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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,094	02/11/2004	Norio Tsurui	03500.017896.	1581
5514	7590	12/05/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			VO, ANH T N	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2861	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/775,094

Applicant(s)

TSURUI ET AL.

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 10 is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/23/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement is made of the receipt of Preliminary Amendment filed 19 March 2004.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The references cited on PTO 1449 have been considered.

Claim Objection

Claims 51-54 are objected to because of the following informalities:

* In claim 1:

- At line 2, “the” at second occurrence should be changed to --a--.
- At line 3, “the” should be changed to --an--.
- At line 4, “the liquid storage part side” should be changed to --a side of the liquid storage part--.
- At line 5, --inlet hole--should be added after “each”.
- At line 8, --on a side of the bottom part-- should be added after “area” and “the” at first and third occurrences should be changed to --an-- and --a-- respectively.

* In claim 3, lines 1 and 3, “the” at second and third occurrences should be changed to --an-- respectively.

* In claim 4, line 6, “the” should be changed to --a--.

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* In claim 5, line 1, “the” at second occurrence should be changed to --an--.

* In claim 6, line 1, “the” at second occurrence should be changed to --an--.

* In claim 7:

- At line 2, “the” at second occurrence should be changed to --a--.
- At line 3, “the” at third occurrence should be changed to --an--.
- At line 4, “the liquid storage part side” should be changed to --a side of the liquid storage part--.
- At line 5, --inlet hole--should be added after “each”.
- At line 8, “the” should be changed to --a--.
- At line 9, “the” should be changed to --a--.

* In claim 8, line 1, “the” at second occurrence should be changed to --an--.

* In claim 9, line 1, “the” at second occurrence should be changed to --an--.

* In claim 10:

- At line 4, “the” at second occurrence should be changed to --a--.
- At line 5, “the” at second occurrence should be changed to --an--.
- At line 6, “the liquid storage part side” should be changed to --a side of the liquid storage part--.
- At line 9, --inlet hole--should be added after “each”.
- At line 10, “the” at second occurrence should be changed to --an--.
- At line 11, “the bottom part side” should be changed to --a side of the bottom part--.

The above change was made clearer language and to avoid lack of antecedent basis. Appropriate correction is required.

Claim Rejections

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 USC 102 (b) as being anticipated by Bailey (US Pat. 4,159,790).

Bailey discloses in Figures 1-2 a liquid container comprising:

- a liquid storage part (2) for storing a liquid;
- a connection part (6) for taking out the liquid, provided in the bottom part (4) of the liquid storage part (2); and
- a pipe (20) provided in the liquid storage part (2) so as to cover the opening (14, 18) of the connection part (6) on the liquid storage part, wherein a plurality of liquid inlet holes (28) are formed in the pipe (20), each (28) communicating with the liquid storage part (2) at a plurality of positions in the vertical direction, and the hole diameter of the plurality of the liquid inlet holes (28) of the pipe (20) is set such that the liquid inlet amount from each inlet hole (28) into the pipe (20) becomes substantially equal (because each inlet hole is the same cross sectional area therefore the amount of the liquid enters into the pipe through each hole becomes substantially equal, see column 2, lines 26-34).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 8-9 are rejected under 35 USC 103 (a) as being unpatentable over Bailey (US Pat. 4,159,790).

Bailey discloses in Figures 1-2 a liquid container comprising all of the limitations of the base claims as stated above but does not disclose that “an inner cross sectional area of the pipe is 20 mm or more and an inner cross sectional area of the vertical direction lowermost part of the pipe is enlarged toward the vertical direction upper part”. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select changes in the size of the inner surface of the pipe for the purpose of stably dispensing liquid from the liquid container, since it is a mechanical design expedient for an engineer depending upon a particular environment and the applications in which the liquid container is to be used.

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicants disclosure. The prior art references (US Pat. 2,859,899; US Pat. 3,240,399; US Pat. 3,896,970; US Pat. 4,809,884; US Pat. 5,305,921; US Pat. 6,726,315; US Pat. 6,799,841) cited in the PTO 892 form show a liquid container that is deemed to be relevant to the present invention. These references should be reviewed.

Allowable Subject Matter

Claims 1-6 are allowable. These claims would be allowable because none of the prior art references of record discloses a liquid storage container comprising the inlet resistance of liquid inlet holes disposed in a lower layer area on the bottom part of the liquid storage container out of a plurality of the liquid inlet holes of a pipe is larger than the inlet resistance of the other liquid inlet holes in the combination as claimed.

Claim 10 is allowable. These claims would be allowable because none of the prior art references of record discloses a recording apparatus for recording on a recording medium using a


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liquid storing in a liquid storage container comprising the inlet resistance of liquid inlet holes disposed in a lower layer area on a bottom part of the liquid storage container out of a plurality of the liquid inlet holes of a pipe is larger than the inlet resistance of the other liquid inlet holes in the combination as claimed.

CONCLUSION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M..

The fax number of this Group 2861 is (571) 273-8300.


ANH T. N. VO
PRIMARY EXAMINER
November 29, 2005